

OK TO ENTER: /E.R./ (05/21/2008)
for purposes of Appeal

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Sheldon H. Foss *et al.*

Serial No.: 10/646,150

Filed: 08/22/2003

Confirmation No.: 8917

Group Art Unit: 3691

Examiner: Elizabeth Rosen

Docket No. 03001.1020

For: System and Method for Dynamically Managing a Financial Account

AMENDMENT & RESPONSE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Final Office Action mailed February 19, 2008 has been carefully considered.

In response, Applicants timely submit this Amendment & Response. Please enter the following amendments and consider the following remarks.

Amendments in the Specification

Please amend the Cross-Reference to Related Applications section of the specification, on Page 1, lines 2 – 5, as follows:

This application is related to, and incorporates by reference, U.S. patent application having Ser. No. 10/645,949_____, filed August 22, 2003, and entitled "SYSTEM FOR PROVIDING A CHECKLESS CHECKING ACCOUNT" which is filed concurrently herewith and is assigned to the same assignee.

Listing of Claims

The following listing of claims replaces all prior versions and listing of claims.

1. (previously presented) A system for managing a financial account, comprising:
 - a data collection component, wherein said data collection component is operable to receive account option data and account formation data pertaining to a customer;
 - a decision engine operable to qualify the customer for an account based at least in part on said formation data and said account option data;
 - an account creation component operable to establish an account for the qualified customer based at least in part on the account option data and account formation data;
 - an account management component operable to perform periodic account management and maintenance of said financial account;
 - a transactional processing component operable to receive transactions and clear the transactions against the account; and
 - a data aggregation module coupled with the account management component and the decision engine, and configured to aggregate data associated with the transactions and provide feedback information to the decision engine and the account management component.
2. (original) The system of claim 1, wherein said decision engine further comprises an underwriting component operable to apply qualification criteria to qualify customers for an account.

3. (original) The system of claim 2, wherein said decision engine further comprises at least one risk model coupled to said underwriting component operable to model risks associated with said financial account and associated with said qualification criteria.

4. (original) The system of claim 1, wherein said account management component further comprises an account behavior component operable to examine a customer's account behavior.

5. (previously presented) The system of claim 1, wherein said decision engine is configured to alter underwriting criteria based on said feedback information and said account management component is configured to alter parameters of said financial account based on said feedback information.

6. (original) The system of claim 5, wherein said account behavior component further comprises a controller operable to enable and disable functions and privileges of said account based upon said aggregated data.

7. (canceled)

8. (previously presented) The system of claim 1, wherein said decision engine comprises an underwriting component operable to apply qualification criteria and at least one risk model coupled to said underwriting component and associated with said qualification criteria operable to model risks associated with said financial account.

9. (original) The system of claim 8, wherein said at least one risk model is coupled to said data aggregation module and said account behavior component, wherein said at least one risk model is operable to update risk models based upon said aggregated data and said account behavior, whereby said qualification criteria is updated.

10. (original) The system of claim 9, wherein said account management component performs account management and maintenance based upon said risk models.

11. (previously presented) A method for managing a financial account, comprising the steps of:

aggregating transaction data regarding a plurality of financial accounts;

modifying the services available to the financial account based on the aggregated transaction data; and

modifying underwriting criteria for new financial accounts based on the aggregated transaction data.

12. (canceled)

13. (previously presented) The method of claim 11, wherein a risk model is available and further comprising the steps of:
 - running the risk model based at least in part on the aggregated transaction data;
 - modifying the underwriting criteria based at least in part on the results of the risk model.
14. (canceled)
15. (previously presented) The method of claim 11, wherein the step of modifying the services comprises the step of modifying the underwriting criteria.
16. (original) The method of claim 11, wherein the step of modifying the services comprises the step of modifying the fees associated with services.
17. (previously presented) The method of claim 11, wherein the step of aggregating transaction_data comprises the step of receiving transaction information regarding financial transactions associated with the financial account.
18. (original) The method of claim 11, wherein the step of modifying the services comprises the step of modifying a line of credit associated with the financial account.
19. (original) The method of claim 11, wherein the step of modifying the services comprises the step of modifying restrictions on transactions for the financial account.

20. (original) The method of claim 11, wherein the step of modifying the services comprises the step of temporarily disabling one or more services associated with the financial account.

21. (previously presented) A system for managing financial accounts, the system comprising:

- an account management component configured to manage a plurality of financial accounts;

- a transactional processing component configured to process and monitor transactions between the plurality of financial accounts and a financial transaction network;

- a data collection component configured to receive account information for a new account;

- a decision engine configured to qualify the new account based on underwriting criteria and the account information;

- an account creation component configured to establish the qualified account based on the account information; and

- a data aggregation module configured to process transaction data from the transactional processing component and provide feedback information to the account management component and the decision engine for altering the underwriting criteria and parameters of the financial accounts.

22. (previously presented) The system of claim 21, wherein the decision engine is configured to alter the underwriting criteria based on the feedback information and the account management component is configured to alter parameters of the financial accounts based on the feedback information.

23. (previously presented) The system of claim 22, wherein the decision engine interfaces with a risk model which is updated based on the feedback information from the data aggregation module.

REMARKS

This is a full and timely response to the Final Office Action mailed February 19, 2008. Claims 1 – 6, 8 – 11, 13, and 15 – 23 remain pending. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

I. Objection to the Specification

The Office Action objects to the specification because the Cross-Reference to Related Applications section omits the serial number of the referenced application. The Applicants have amended the specification to include the serial number. Therefore, the Applicants respectfully request that the objection to the specification be withdrawn.

II. Objection to Claims Under 35 U.S.C. 112, Second Paragraph

The Office Action objects to claims 1, 5, 21, 22 and 23 as allegedly failing to comply with the written description requirement. The Office Action alleges that the recitation “providing feedback information to the decision engine and the account management component” is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors were in possession of the claimed invention at the time the application was filed and, therefore, that the recitation is allegedly new matter. The Applicants respectfully submit that this recitation is clearly described in the specification in compliance with 35 U.S.C. 112, second paragraph, and that the addition of this recitation by amendment is not new matter.

The specification clearly describes and fully supports the feature of a data aggregation module being coupled with an account management component and a

decision engine, and the data aggregation module being configured to aggregate data associated with account transactions and provide feedback information to the decision engine and the account management component. By way of example and without limitation, the specification describes various embodiments of a data aggregation module 252 in connection with FIG. 2. The data aggregation module 252 interfaces with the transaction processing component 250, the account management component 240, and the risk model(s) 224. The functional interoperability of these components is clearly illustrated by the connecting arrows in FIG. 2 and is described in at least the following portions of the specification. The specification describes, as follows, at pages page 6, ll. 23 – 29:

The transactional processing component 250 processes and monitors the day to day transactions between the account and the financial transaction network 255. The transactional processing component 250 is then compiled by the data aggregation module 252. The data aggregation module 252 may work on data related to the entire population of account holders, groups of populations based on factors such as age, occupation, areas of domicile etc. or even individuals. The data aggregation module 252 provides processed outputs to the risk models 224 and the account behavior 246 model.

This is clear support and adequate description for the claim recitation. The data aggregation module 252 receives information related to account transactions, processes the transaction information, and then provides the processed output to the risk model(s) 224 and/or the account management component 240. The data aggregation module 252 may aggregate the transaction information (received via transaction processing component 250) and provide feedback information (*e.g.*, the processed output or other

output information) to the account management component 240 and/or the risk model(s) 224.

The manner in which the account transaction information may be fed back to the risk model(s) 224 and/or the account management component 240 via the data aggregation module 252 and the recitation “feedback information” is further described at least in the following portion of the specification, at page 7, ll. 4 – 3 (emphasis added):

The data aggregation module 252 refines and updates, preferably on a real-time basis, the various current trends of the accounts being managed. *This information is then fed into the risk models 224* which determine new underwriting criteria 222, and the account behavior 246 model. *The data aggregation module 252 can feed information into the risk models 224 and the account behavior 246 model* at periodic intervals, continuously, autonomously, on request, or on other bases. The account behavior model 246 can operate to alter the parameters of the operation of the credit account. The account behavior model 246 can base these alterations on the input from the aggregation module 252 and/or the risk models 224. Thus, in operation, the data aggregation module 252 may identify trends for a particular subset of the population. This information in turn can be used by the risk models 224 to identify certain risks associated with the particular subset or related subsets of the population. This information, as well as the information directly provided from the data aggregation module 252 can serve as the basis for altering the parameters of the credit account. As a particular example, suppose that the data aggregation module 252 identifies an increase in transactions by customers identified as working in the airline sector and the risk models 224 indicate a decline in job stability in the transportation industry. The account behavior model 246 may utilize this information to decrease the lines of credit provided to customers working in the airline sector, increase fees associated with their accounts, provide a higher level of scrutiny on approvals of purchases, lock the account from further purchases, or the like. From a fraud perspective, the account behavior model can receive information from the data aggregation module 252 that may be an indication of fraudulent behavior. The account behavior module 246 can then take actions to limit or alleviate the risk of fraud. Similarly, the risk models 224 can receive input from the data aggregation

module 252 and/or the account behavior model 246. The information fed to the risk models 224 is used as the basis for generating new underwriting criteria for qualifying new individuals for accounts. The new underwriting criterion provides more accurate real-time criteria that are not otherwise available when using underwriting criteria that has only been created at the initial stages of qualification.

For at least these reasons, the Applicants respectfully submit that the rejection is improper and, therefore, should be withdrawn and the claims allowed.

III. Rejection of Claims 1 – 4 and 8 – 10 Under 35 U.S.C. 103(a)

The Office Action rejects claims 1 – 4 and 8 - 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2003/0187778 to Sgaraglio *et al.* (“Sgaraglio”). The Office Action alleges that Sgaraglio discloses all of the claimed features with the exception of the data aggregation module being configured to provide feedback information to the decision engine and the account management component. The Office Action argues that Sgaraglio “does not explicitly disclose” this feature, yet goes on to argue that Sgaraglio does disclose: (1) that before an account is approved, information is considered (Paragraph 0040); (2) that merchant application information is gathered and stored and used to establish new accounts (Paragraph 0044); and (3) that the underwriter can receive credit risk information relating to the merchant and that this information is used to determine whether to grant credit to the merchant (Paragraph 0051). The Office Action then argues that “it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate [the recited feature] with Sgaraglio’s system and method for merchant application and underwriting”. The Office Action further argues that “[o]ne of ordinary skill in the art

would have been motivated to incorporate [the recited feature of “provide feedback information to the decision engine and the account management”] for the purpose of using information in order to determine whether to grant credit to a merchant account

The Applicants disagree and, as an initial matter, the Applicants respectfully submit that the Office Action fails to establish a *prima facie* case for modifying the teachings of Sgaraglio in such a way as to render the claims obvious.

Sgaraglio does not disclose, teach, or suggest a data aggregation module configured to aggregate data associated with account transactions and, based on aggregated account transaction data, provide feedback information to the decision engine and the account management component, as recited in independent claim 1. To support the 103 rejection, the Office Action merely reasons that, because Sgaraglio discloses account transaction processing and using information to assess credit risk before an account is opened, it would have been obvious for one of ordinary skill in the art to incorporate feedback information. The Office Action argues that providing “feedback information” to the decision engine and the account management component is only “a slight variation of what is disclosed in Sgaraglio.” The claimed feature is much more than a “slight variation”. To argue otherwise, clearly suggests a misunderstanding of the teachings of Sgaraglio and ignores the structure and operation of the claimed system.

Independent claim 1 is directed to a system for managing a financial account comprising a data collection component, a decision engine, an account creation component, an account management component, a transactional processing component, and a data aggregation module. The account management component manages a plurality of existing financial accounts. The data collection component, the decision

engine, and the account creation component enable new financial accounts to be qualified and created. The data aggregation module is coupled to and provides feedback to the account management component and the decision engine based on aggregated transaction data. Independent claim 1 recites that the data aggregation module aggregates data associated with the financial transactions and provides feedback information to the decision engine and the account management component. The feedback information may be used to update or otherwise alter the manner in which the decision engine qualifies new customers and the account management component manages existing financial accounts.

In this regard, the claimed “feedback information” is much more than merely a “slight variation” on the types of information used to determine whether to grant credit to a merchant account. The claimed feature, in essence, employs a feedback mechanism, as briefly described above, between the system functions of (1) account transaction processing for existing accounts and (2) customer qualification of new accounts. To achieve the claimed feature, the system components are uniquely coupled and configured to provide the feedback information. Sgaraglio does not disclose, teach, or suggest such a coupling between, or configuration of, the system components. The transaction processing component processes financial transactions for existing accounts, and the data aggregation module aggregates data associated with the transactions and provides feedback information to the decision engine and the account management component. In this manner, the decision engine has the ability to qualify new accounts based on information about transactions from existing accounts.

Sgaraglio does not disclose, teach, or suggest such a feedback mechanism.

Sgaraglio discloses a web-based system for underwriting and creating new merchant accounts. The web-based system enables merchants to input and submit a merchant credit application to a server. The system also enables an underwriter or a credit investigator to access and review submitted applications and compare them against underwriting criteria specified by server. When the application is approved, a merchant account is established. While Sgaraglio does disclose the general features of account transaction processing and opening new accounts based on credit risk information, Sgaraglio clearly does not disclose, teach, or suggest the unique feedback mechanism for aggregating transaction data and, based on the transaction data, providing feedback information to the underwriting process and the account management process. In fact, Sgaraglio does not disclose, teach, or suggest any feedback mechanism based on account transaction activity. Sgaraglio merely suggests using stored information from the web-entered merchant application in the process of underwriting and creating the merchant accounts. There is clearly not any disclosure, teaching, or suggestion of the feature of monitoring the transaction activity of existing accounts, nor any aggregating of the transaction activity for any purpose, let alone for providing feedback information for the purpose of qualifying new accounts or for managing existing accounts based on the account transactions of existing accounts. To achieve these features in the system disclosed in Sgaraglio would require a restructuring of the interoperability of the various system components, a reconfiguration of the associated software modules, and an incorporation of the feedback feature, none of which are disclosed, taught, or suggested by Sgaraglio or the prior art.

For at least these reasons, the Applicants respectfully submit that the rejection of independent claim 1 under 35 U.S.C. 103(a) is improper and should be withdrawn. Dependent claims 2 – 5 and 8 – 10 (which depend from independent claim 1) are also patentable over Sgaraglio for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly, the Applicants respectfully request that the rejection of claims 1 – 5 and 8 – 10 be withdrawn and the claims allowed.

IV. Rejection of Remaining Claims Under 35 U.S.C. 103

The Office Action rejects claims 5, 6, 11, 13, and 15 – 23 under 35 U.S.C. 103(a) as allegedly being unpatentable over Sgaraglio in view of various additional secondary references.

A. Claims 5 and 6

The Applicants respectfully submit that claims 5 and 6 are patentable over the cited references for at least the reason that these claims include all of the features of independent claim 1, as described above, and the additional secondary references do not correct this deficiency.

B. Claims 21 – 23

Independent claim 21 recites a similar feedback mechanism as described above in connection with independent claim 1. Specifically, independent claim 21 recites “a data aggregation module configured to process transaction data ... and provide feedback information to the account management component and the decision engine for altering the underwriting criteria and parameters of the financial accounts”. The Applicants

respectfully submit that independent claim 21 (and dependent claims 22 and 23) are patentable over the cited references for at least the reason that Sgaraglio fails to disclose, teach, or suggest this feature, as described above, and the additional secondary references do not correct this deficiency.

C. Claims 11, 13 and 15 - 20

Independent claim 11 is directed to a method for managing a financial account, which incorporates a similar operational feedback mechanism as described above in connection with the system of independent claim 1. While the method of independent claim 11 recites operational features rather than structural or functional features as recited in the system of independent claim 1, the Applicants respectfully submit that Sgaraglio fails to disclose these operational features, for similar reasons as detailed above in connection with the rejection of independent claim 1. For example, Sgaraglio does not disclose, teach, or suggest the feature of aggregating transaction data and modifying either the financial account services or the underwriting criteria based on the aggregated transaction data. The additional secondary references do not correct this deficiency. Accordingly and for at least this reason, the rejection of independent claim 11 and dependent claims 13 and 25 – 20 should be withdrawn and the claims allowed.

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 6, 8 – 11, 13, and 15 – 23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (813) 382-9345.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: May 18, 2008

/Adam E. Crall/

Signature